

AO 91 (Rev. 11/11) Criminal Complaint

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

NOV 18 2020

MITCHELL R. ELFERS
CLERK

UNITED STATES DISTRICT COURT

for the

District of New Mexico

United States of America

v.

Travis Fanning

Case No. 20-MJ-1934

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of August 22, 2020 in the county of Bernalillo in the
District of New Mexico, the defendant(s) violated:

Code Section

Offense Description

Title 18, U.S.C. Section 922(g)(1)

Felon in Possession of a Firearm

This criminal complaint is based on these facts:

See Attached Affidavit

☒ Continued on the attached sheet.



Complainant's signature

Austin Wozniak, Special Agent ATF

Printed name and title

Electronically submitted and telephonically sworn to me.

Date: 11/18/2020



Judge's signature

City and state: Albuquerque, NM

Hon. Kirtan Khalsa, United States Magistrate Judge

Printed name and title

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, E. Austin Wozniak, being duly sworn, depose and state:

1. I am a Special Agent (SA) with the Bureau of Alcohol Tobacco Firearms and Explosives (ATF) and have been so employed since September 1, 2013, and am currently assigned to the Albuquerque Field Office.

2. I submit this Affidavit in support of a criminal complaint charging Travis Fanning with a violation of Title 18, United States Code, Section 922(g)(1) – Felon in Possession of a Firearm and Ammunition.

3. I am a graduate of the Federal Law Enforcement Training Center, where I completed ATF Special Agent Basic Training and the Criminal Investigator Training Program. Prior to my employment with ATF, I was a Police Officer with the Dallas Police Department, Dallas, TX, for three years. I am a graduate of Marquette University where I received a Bachelor of Science in Accounting in 2010. I have received training in the recognition, identification, and testing of controlled substances as well as in common methods of trafficking in narcotics. I have participated in surveillance and interdiction operations at known drug locations and have made numerous arrests for drug related crimes. I have further received training in firearms trafficking and the diversion of legal firearms for unlawful purposes, participated in the investigation of many crimes of violence, including robberies, assaults, and homicides, and made numerous arrests for firearms and violent offenses.

4. I was assigned to the Seattle, Washington, Field Office of ATF for approximately five years, where I participated in a multiple ATF Task Forces targeting violent crime, participated in or directed complex case investigations, utilized the National Integrated Ballistic Information Network (NIBIN) to identify high violence offenders for prosecution, and helped create a task

force to investigate a series of highway shootings believed to be linked. In June of 2019, I transitioned to the Albuquerque Field Office in Albuquerque, New Mexico.

5. As a result of my training and experience, I have an understanding of the various roles played by individuals or groups involved in firearms trafficking, narcotics distribution, the unlawful use or possession of firearms during crimes of violence and/or drug trafficking, and am familiar with the manner of operation of some organized criminal groups, such as drug cartels or street gangs.

6. Because this Affidavit was authored for the limited purpose of establishing probable cause, it does not include each and every fact known to me from this investigation.

SUMMARY OF PROBABLE CAUSE

7. During an ATF investigation into violent crime involving multiple individuals operating out of Motel 6 locations in Albuquerque, I became aware of Travis Fanning (YOB: 1995). Upon further investigation, in addition to his involvement in ongoing criminal activity in Albuquerque, I learned that Fanning had been recently arrested in possession of a firearm on August 22, 2020 in Albuquerque, NM. Special Agent Matt Wright assisted in this investigation and conducted a substantive follow up investigation; the facts of SA Wright's investigation are documented in ATF Reports of Investigation and are included in the facts set forth below.

8. I reviewed Travis Fanning's criminal history, which revealed multiple prior felony convictions as follows:

- a. August 7, 2014, on cause number 14-CF-00000095, in Macoupin County (IL):
Damage to Property (Felony 4); Guilty, Sentenced to 21 days confinement and 2 years' probation (revoked – 90 days confinement).

- b. October 20, 2016, on cause 16-CF-00000200, in Macoupin County (IL): *Dangerous Drugs* (Felony 4); Guilty, sentenced to 2 years' probation (revoked, resentenced concurrent to 16-CF-00001195).
- c. February 27, 2017, on cause 16-CF-00000240, in Macoupin County (IL): *Dangerous Drugs – Methamphetamine* (Felony 3); Guilty, sentenced concurrent to 16-CF-00001195.
- d. May 25, 2017, on cause 16-CF-00001195, in Sangamon County (IL): *Dangerous Drugs – Meth Precursor* (Felony 2); Guilty, sentenced to 3 years prison.
- e. November 8, 2018, on cause D-202-CR-2018-04056, in Bernalillo County (NM): *Possession of a Controlled Substance and Parole Violation* (Felony); Guilty, sentenced to 18 months (suspended).

Based upon these convictions for offenses specified as felonies and carrying a maximum term of more than one years' imprisonment, Travis Fanning is ineligible to possess firearms or ammunition according to the provisions of Title 18, United States Code, Section 922(g)(1).

9. Special Agent Wright obtained Albuquerque Police Report 200067114, which indicated on August 22, 2020, Albuquerque Police Officers Violeta Baca and Molloy conducted a traffic stop of a green 1995 Ford Escape, driven by J.S., which displayed no license plate and disregarded numerous traffic regulations. The vehicle eventually came to a stop near Avenida Cesar Chavez and University Blvd SE in Albuquerque, NM. Travis Fanning was identified as the passenger.

10. As Officer V. Baca approached the passenger side of the vehicle, she observed a black pistol under Travis Fanning's left thigh. Fanning and J.S. were removed from the vehicle upon the observation of a firearm, detained, and patted down for additional weapons. During the pat down,

Officer Baca felt and recovered a quantity of methamphetamine in Fanning's left cargo short pocket.

11. J.S. was interviewed, and stated he had just met Fanning at a Motel 6 and was giving him a ride. J.S. stated the black in color firearm belonged to Fanning.

12. Fanning was read his *Miranda* warnings and provided a statement that he had recently met J.S., with whom he used narcotics, and was asleep in the vehicle when the stop occurred. He denied possession of the firearm. Upon learning Fanning was a felon, he was arrested for Felon in Possession of a Firearm, Possession of a Controlled Substance, and a felony warrant outstanding for his arrest.

13. Officers recovered the firearm from the vehicle, specifically identified as a Walther Model P22, .22 caliber pistol, bearing serial number WA273627.

14. Special Agent Wright, an interstate nexus expert, conducted an interstate nexus on the firearm and determined it was manufactured in Gadsden, AL, under license for Walther in Ulm, Germany, and therefore for the firearm to be present in the State of New Mexico, it has traveled in or affected interstate commerce.

15. Special Agent Wright interviewed both Officers Baca and Molloy. The original police report, authored by Officer Molloy, indicated the firearm was on the floorboard of the vehicle. However, Officer Molloy was on the driver's side and could not see the firearm. Officer V. Baca informed SA Wright the firearm was under Fanning's left thigh when she initially observed it, and the police report indicating it was originally observed on the floorboard is incorrect.

16. SA Matt Wright also learned the firearm was apparently stolen on the same day, but had not been reported stolen. P.H. provided SA Wright information indicating he had purchased the firearm and placed it under the front seat of the vehicle he operated as a taxi service. At some

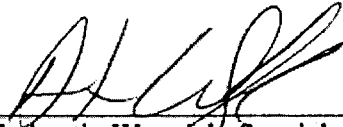
point, the firearm was removed from the vehicle; however, P.H. did not report this theft to the police department.

17. Lastly, on November 4, 2020, SA Wright received confirmation based upon fingerprint analysis that the Travis Fanning arrested in Albuquerque, NM, in possession of a firearm is the same Travis Fanning convicted of felony offenses in the State of Illinois.

CONCLUSION

Based upon the foregoing, I submit there is probable cause to believe Travis Fanning unlawfully possessed a firearm, to wit: a Walter P22 .22 caliber pistol, serial number WA273627, in the District of New Mexico, on or about August 22, 2020, contrary to the provisions of Title 18, United States Code § 922(g)(1). I respectfully request a warrant be issued for his arrest.

Respectfully submitted,



E. Austin Wozniak, Special Agent
Bureau of Alcohol, Tobacco, and Firearms

Electronically submitted and telephonically sworn to me this 18th day of November, 2020



THE HONORABLE KIRTAN KHALSA
United States Magistrate Judge